

REMARKS

By the foregoing Amendments, claims 6, 13 and 14 have been canceled, and claims 5 and 11 have been amended. Favorable reconsideration of the application is respectfully requested.

The office action summary indicated that claims 7-17 were pending in the application. However, it is believed that claims 5-17 were actually pending in the application.

An objection was raised to the drawings as not showing the "fluid connector" feature recited in claim 14. An objection to the specification as failing to provide proper antecedent basis for the "fluid connector" recited in claim 14 was also raised. An objection to the wording of claim 14 was also raised. Claim 14 has now been canceled, so that it is believed that these objections can be withdrawn.

Claims 6 and 13 were also rejected on the grounds of indefiniteness, and claims 6 and 13 have now been canceled. It is believed that this rejection can also now be withdrawn.

It is respectfully submitted that the amendments of the claims raise no new issues requiring further consideration or searching, and that these amendments of the claims place the application in a condition for allowance, or in a better condition for appeal.

Claims 5, 6 and 8 were rejected as being anticipated under 35 U.S.C. 102(b) by Cushing. Claim 5 has now been amended to recite: "a restrictive valve having a closed position and an open position, said valve connected to said second water conduit for controlling flow of water to said spray nozzle, whereby pressurization of said pressurizable container forces an uninterrupted

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spray of water from said pressurizable container out through said spray nozzle on said second conduit when said restrictive valve is in said open position." At column 5, lines 47-51, Cushing discloses that the nozzle 20 is adapted to dispense a controlled amount of liquid with each depression of the hand operated valve 46, so that excessive amounts of water are not spilled onto the road, for increased safety. Cushing therefore does not teach or disclose a valve with an open position for providing an uninterrupted spray of water, and teaches a motivation for not providing such a valve. In Cushing, the valve only permits a controlled amount of liquid to flow through a nozzle with each depression of the valve, so that the present invention provides an improved cooling spray, and is therefore novel and inventive over Cushing. Claim 6 has been canceled, and it is respectfully submitted that Claims 5 and 8 are now allowable over Cushing.

Claims 5-8 were also rejected as being obvious from Cushing in view of Shurnick et al., which also does not teach or disclose a valve with an open position for providing an uninterrupted spray of water, so that it is believed that claims 5-8 are novel and inventive over the combination of Cushing and Shurnick et al. as well.

Claim 9 was also rejected as being obvious from Cushing in view of Norman. Claim 5 has also been amended to recite "an alligator clip secured to said second water conduit for attaching said second water conduit to an article of clothing of the person, whereby said spray nozzle may be positioned for providing said cooling mist of water in the vicinity of the person for hands free operation of the misting apparatus." Norman does not teach or disclose such a clip for its discharge hose, and there would be no motivation to provide one for the water sprayer and fire

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extinguisher of Norman. It is therefore respectfully submitted that claim 9 is also novel and inventive over the combination of Cushing and Norman.

Claim 10 was rejected as being obvious from Cushing alone. However, since claim 10 depends from claim 5, it is respectfully submitted that claim 10 derives patentability over Cushing from claim 5, and that the rejection of claim 10 should be withdrawn.

Claims 11-17 were rejected as being obvious from Cushing in view of Beauchamp and Roueche et al. Claim 11 recites "an alligator clip secured to said second water conduit for attaching said second water conduit to an article of clothing of the person, whereby said spray nozzle may be positioned for providing said cooling mist of water in the vicinity of the person for hands free operation of the misting apparatus; and a valve having a closed position and an open position, said valve for controlling flow of water through said second water conduit and connected to said second water conduit between said container and said spray nozzle, whereby pressurization of said pressurizable container forces an uninterrupted spray of water from said pressurizable container out through said spray nozzle on said second conduit when said restrictive valve is in said open position." Cushing, Beauchamp and Roueche et al. do not teach or disclose such an alligator clip for their discharge hoses. Beauchamp provides an insect repellant spray device, and Roueche et al. provides a sprayer suitable for decontaminating military equipment exposed to toxic chemicals or radiation. There is no motivation in Roueche et al. to provide the portable sprayer of Roueche et al. with such an alligator clip, and there is no motivation in Beauchamp to provide the insect sprayer of Beauchamp with an alligator clip or a valve with an open position for providing an uninterrupted

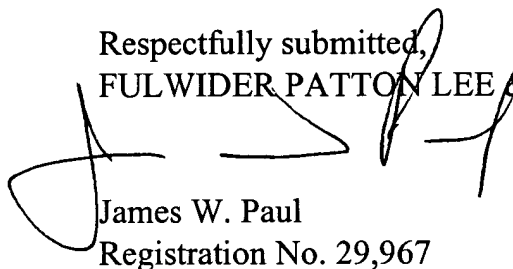
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cooling spray of water. It is therefore respectfully submitted that claims 11-17 are also novel and inventive over the combination of Cushing, Beauchamp and Roueche et al.

Applicant has considered the additional art made of record but not relied upon, and it is believed that the additional art is no more pertinent than the art relied upon.

In light of the foregoing, it is respectfully submitted that the application is in condition for allowance. An early favorable action is respectfully solicited.

Respectfully submitted,
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VERSION WITH MARKINGS TO SHOW CHANGES MADE

5. (Thrice amended) A misting apparatus for cooling a local area in the vicinity of a person by evaporative cooling, comprising:

a pressurizable container for supplying water, said container having a water outlet and an inlet for filling said container, and said container including a first water conduit within said container for supplying water to [a] the water outlet;

means for pressurizing the container;

a second water conduit connected to said first water conduit, said second water conduit having a distal end;

a spray nozzle secured to the distal end of the second water conduit and in fluid communication with said second water conduit, said spray nozzle delivering a fine evaporative cooling mist of water in the vicinity of a person for cooling the person when pressurized water is supplied to said spray nozzle;

[a] an alligator clip secured to said second water conduit for attaching said second water conduit to an article of clothing of the person, whereby said spray nozzle may be positioned for providing said cooling mist of water in the vicinity of the person for hands free operation of the misting apparatus; and

a restrictive valve having a closed position and an open position, said valve connected to said second water conduit for controlling flow of water to said spray nozzle, whereby pressurization of said pressurizable container forces an uninterrupted spray of water from said

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pressurizable container out through said spray nozzle on said second conduit when said restrictive valve is in said open position.

11. (Thrice amended) A system for cooling a person, the system comprising:

a pressurizable container for supplying water having a water outlet and an inlet for filling said container;

a first water conduit for fluidly communicating water within said container to said water outlet;

means for pressurizing the container removably mounted to said inlet of said container to create a seal with said container;

a second water conduit extending from said water outlet, said second water conduit having a distal end and a proximal end, said proximal end connected to said container;

at least one spray nozzle secured at the distal end of the second water conduit and in fluid communication therewith, said spray nozzle delivering a fine evaporative cooling mist of water in the vicinity of the person when pressurized water is communicated to the spray nozzle;

means for securing the container to the person;

[a] an alligator clip secured to said second water conduit for attaching said second water conduit to an article of clothing of the person, whereby said spray nozzle may be positioned for providing said cooling mist of water in the vicinity of the person for hands free operation of the misting apparatus; and

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a valve having a closed position and an open position, said valve for controlling flow of water through said second water conduit and connected to said second water conduit between said container and said spray nozzle, whereby pressurization of said pressurizable container forces an uninterrupted spray of water from said pressurizable container out through said spray nozzle on said second conduit when said restrictive valve is in said open position.